ASSEMBLY RESOLUTION No. 245

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:
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District 8 (Atlantic, Burlington and Camden)
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District 37 (Bergen)

SYNOPSIS

Urges Congress to amend Individuals with Disabilities Education Act to expand eligibility for funding to students with special needs who are 22 years of age.

CURRENT VERSION OF TEXT

As introduced.

(Sponsorship Updated As Of: 5/12/2021)

AN ASSEMBLY RESOLUTION urging Congress to amend the Individuals with Disabilities Education Act to expand eligibility for funding to students with special needs who are 22 years of age.

WHEREAS, The COVID-19 pandemic has significantly impacted the delivery of educational services to students with special needs and caused added stress for both students and their families; and

WHEREAS, Parents of students with special needs have reported that, over the past year, distance learning has caused their children to fall behind academically, miss developmental milestones, and lose key skills necessary for an independent life; and

WHEREAS, While every student has fallen behind and even regressed to some degree during remote instruction, students with special needs are more likely to experience significant learning regression; and

WHEREAS, With school districts shifting to remote instruction in March of 2020, many special education services were subsequently delivered through remote means or in ways that were not initially envisioned by parents and school district officials; and

WHEREAS, The decision to suspend in-person learning left many parents personally responsible for providing the support services normally delivered to their children by trained specialists and without the resources needed to fulfill their child's individualized education program (IEP); and

WHEREAS, An IEP is the primary way in which schools fulfill their responsibilities under the federal Individuals with Disabilities Education Act (IDEA) by setting out measurable goals for the student each school year as well as the various services that will be provided by the district; and

WHEREAS, The IDEA is the means by which the federal government provides funding to participating states to cover the costs of providing a free and appropriate public education to students with developmental disabilities; and

WHEREAS, Under Part B of the IDEA, funds are used to provide special education services, related services such as physical, occupational, and speech therapy, and supplementary aids and services to school age students ranging from ages 3 through 21; and

WHEREAS, In most states, a student will no longer receive services after they reach age 21 or if the student receives a high school diploma, whichever occurs first; and

WHEREAS, Normally, a student who is entitled to services under the IDEA receives quality, consistent, in-person support services which allow the student to more easily transition to adulthood; and

WHEREAS, However, in light of the disruption of services due to the COVID-19 pandemic, students with disabilities will not have similarly benefitted from the services received during remote

instruction as they will age out of their respective school systems with effectively one less year of support than those enrolled in previous years; and

WHEREAS, Allowing special education students to age out at the current age of 21 impairs a school district's ability to adequately prepare them for adulthood; and

WHEREAS, Although some states allow students to receive services until age 22, current circumstances warrant providing every student, regardless of where he or she lives, additional time to receive those services; and

WHEREAS, By amending the Individuals with Disabilities Education Act to permit students to receive services until age 22, developmental regressions occurring as a result of a switch to remote instruction can be properly addressed while ensuring that these students continue to make progress in their education; now, therefore,

BE IT RESOLVED *by the General Assembly of the State of New Jersey:*

1. This House urges Congress to amend the Individuals with Disabilities Education Act to expand eligibility for funding to students who are 22 years of age.

2. Copies of this resolution, as filed with the Secretary of State, shall be transmitted by the Clerk of the General Assembly to the Majority and Minority Leaders of the United States Senate, the Speaker and Minority Leader of the United States House of Representatives, and to every member of Congress elected from this State.

STATEMENT

This resolution urges Congress to amend the Individuals with Disabilities Education Act (IDEA) to expand eligibility for funding to students with special needs who are 22 years of age. In light of the COVID-19 pandemic, the delivery of educational services to students with special needs has been significantly impacted and led them to fall behind academically, miss developmental milestones, and lose key skills necessary for an independent life. With school districts shifting to remote instruction in March of 2020, many special education services were subsequently delivered through remote means or in ways that were not initially envisioned by parents and school district officials. The decision to suspend in-person learning left many parents personally responsible for providing the support services normally delivered to their children

by trained specialists and without the resources needed to fulfill their child's individualized education program (IEP). An IEP is the primary way in which schools fulfill their responsibilities under the IDEA by setting out measurable goals for the student each school year as well as the various services that will be provided by the district.

The IDEA is the means by which the federal government provides funding to participating states to cover the costs of providing a free and appropriate public education to students with developmental disabilities. Under Part B of the IDEA, funds are used to provide special education services, related services such as physical, occupational, and speech therapy, and supplementary aids and services to school age students ranging from ages 3 through 21. In most states, a student will no longer receive services after they reach age 21 or if the student receives a high school diploma, whichever occurs first. Normally, a student who is entitled to services under the IDEA receives quality, consistent, in-person support services which allow the student to more easily transition to adulthood. However, in light of the disruption of services due to the COVID-19 pandemic, students with disabilities will not have similarly benefitted from the services received during remote instruction as they will age out of their respective school systems with effectively one less year of support than those enrolled in previous years. Allowing special education students to age out at the current age of 21 impairs a school district's ability to adequately prepare them for adulthood. By amending the federal Individuals with Disabilities Education Act to permit students to receive services until age 22, developmental regressions occurring as a result of a switch to remote instruction can be properly addressed while ensuring that these students continue to make progress in their education.